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Applicant:	ROGER M. SNOW	Examiner:	NGUYEN, B. A. D.
Serial No.	10/770,613	Group Art Unit:	3714
Filed:	February 2, 2004	Docket No.	PA0967.ap.US
Title:	SPECIAL MULTIPLIER BONUS GAME IN PAI GOW POKER VARIANT		


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Applicant ROGER M. SNOW Examiner: NGUYEN, B. A. D.
Serial No. 10/770,613 Group Art Unit: 3714
Filed: February 2, 2004 Docket No. PA0967.ap.US
Title: SPECIAL MULTIPLIER BONUS GAME IN PAI GOW POKER VARIANT

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, addressed to: Mail Stop APPEAL BRIEF-PATENTS, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 6 February 2009.

Mark A. Litman
Name

Signature

The following documents are hereby submitted:

- ☒ Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office with Authorization to withdraw \$540.00 to cover Appeal Brief Fee
- ☒ Transmittal Sheet
- ☒ Facsimile Cover sheet

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.


Respectfully submitted,

ROGER M. SNOW

By His Representatives,

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Date 6 February 2009

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FEB 06 2009

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S/N 10/770,613

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROGER M. SNOW

Serial No.: 10/770,613

Filed: FEBRUARY 2, 2004

Title: SPECIAL MULTIPLIER BONUS GOW POKER VARIANT

Examiner: NGUYEN, B.A.D.

Group Art Unit: 3714

Docket No.: PA0967.ap.US

MAIL STOP: APPEAL BRIEF - PATENTS

P.O. BOX 1450

Commissioner for Patents

Alexandria, VA22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to debit any costs and fees associated with this Petition to Deposit Account No. 50-1391. Appellant(s) is submitting this single copy of the Appeal Brief in Compliance with the requirements of 37 CFR 41.37(c). Appellant requests a personal appearance at the Board of Appeals, but will defer payment of the fee until after receipt of the Examiner's Answer.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile transmission or deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22313-1450 6 February 2009.

Mark A. Litman
Name

Signature

BRIEF ON APPEAL

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REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Shuffle Master, Inc., having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3730.

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RELATED APPEALS AND INTERFERENCES

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

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STATUS OF CLAIMS

Claims 1-30 have been **finally** rejected under 35 USC 103(a) as unpatentable over US Patent No. 5,863,041 (Boylan) in view of US Patent No. 4,948,134 (Suttle).

Claim 1-30, all of the claims in this Application, are On Appeal.

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STATUS OF AMENDMENTS

No Amendments have been submitted to the claims in this Application during prosecution, including after the Final Rejection. All claims in this Appeal are original claims as filed.

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SUMMARY OF CLAIMED SUBJECT MATTER

CLAIMS 1 AND 12 ARE THE ONLY INDEPENDENT CLAIMS IN THIS APPEAL

1. A method of playing a Pai Gow poker wagering card game comprising: **[Page 8, lines 2-3]**
 - a. Players wagering on a Pai Gow game; **[Page 9, lines 9-10]**
 - b. Players placing either an optional or mandatory wager against a pay table on a separate poker-type game that uses a best five-card hand from each player's hand; **[Page 9, lines 11-18]**
 - c. dealing seven-card hands from a set of cards to multiple player positions and one dealer position; **[Page 16, lines 1-5]**
 - d. resolving the game of Pai Gow poker; **[Page 8, lines 13-15]**
 - e. forming best five-card poker hands for at least each player having placed the wager against the pay table; **[Page 9, lines 11-18]**
 - f. resolving wagers with players who have placed the optional wager when that player's best five-card poker hand equals or exceeds a predetermined rank; and **[Page 9, lines 11-18]**
 - g. providing an additional award to players who have placed the optional wager i) when that player's best five-card poker hand equals or exceeds a predetermined rank and ii) when a best five-card hand for the dealer is equal to or less than a predetermined rank. **[Page 9, lines 23-28]**

12. A method of playing a Pai Gow poker wagering card game comprising: **[Page 8, lines 2-3]**
 - a. Players wagering on a Pai Gow game; **[Page 9, lines 9-10]**
 - b. Players placing an optional wager on a separate poker-type game that uses best five-card hands from player cards; **[Page 9, lines 11-18]**
 - c. dealing seven-card hands to six player positions and one dealer position; **[Page 16, lines 1-5]**

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-
- d. resolving the game of Pai Gow poker; **[Page 8, lines 13-15]**
 - e. comparing each best five-card poker hand made from player cards against a pay table for predetermined hand ranks; **[Page 9, lines 11-18]**
 - f. paying players who have both placed the additional wager and provided hands of at least the predetermined rank according to the pay table and rules of the separate poker-type game played with best five-card hands of the players; and **[Page 9, lines 11-18]**
 - g. if a best 5-Card hand for the dealer from the dealer's Pai Gow cards is equal to or less than a predetermined rank, increasing the amount of payment to players from f). **[Page 9, lines 23-28]**

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following grouping of claims is presented. This grouping is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

The sole ground of rejection in the present application is that Claims 1-30 have been finally rejected under 35 USC 103(a) as unpatentable over US Patent No. 5,863,041 (Boylan) in view of US Patent No. 4,948,134 (Suttle).

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ARGUMENT

- 1) Claims 1-30 have been **finally** rejected under 35 USC 103(a) as unpatentable over US Patent No. 5,863,041 (Boylan) in view of US Patent No. 4,948,134 (Suttle).

Response to Examiner's Comments Made in the Final Rejection

The Examiner has provided helpful comments on pages 6 and 7 of the Final Office Action that explain the position of the PTO based on responses to arguments previously provided by Applicants. It is believed that these comments can be fairly summarized as follows:

- a. Boylan is asserted to teach every element of the claimed subject matter except for:
 - i. i) providing an additional award to players who have placed an additional wager (e.g., Play wager after placing the Ante wager); and
 - ii. Requiring the Dealer hand to be equal to or less than a predetermined rank **to increase the payout to a player making this wager.**
- b. Suttle is asserted to teach i) and ii); and
- c. It then is asserted to be obvious to combine the Suttle steps of i) and ii) into the Boylan game to provide a player with more winning chances.

At least one major problem with this analysis is that Suttle does not teach the recited step of "...ii) when a best five-card hand for the dealer is equal to or less than a predetermined rank." **Without that teaching, the rejection is fatally flawed.**

Suttle actually teaches providing a payout on a Play wager **ONLY when the Dealer hand equals or EXCEEDS a minimum rank.** The play in Suttle awards additional amounts only when the Player's hand is better than at particular ranked hand of the dealer, usually A-K or better. This in effect lets the Dealer fold against the Play wager if the dealer hand has a very low chance of winning against a player hand and the player would be paid on multiple wagers (the Ante and Play wager).

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The presently claimed steps require an opposite effect and opposite rule of play.

In the claimed subject matter on this Appeal:

The Dealer can never fold and

The player's additional wager (the Play wager) is in play only when the Dealer has a weak hand (equal to or less than a predefined rank).

These significant play events are not disclosed in Suttle and has significant strategic benefits to players. This difference overcomes some adverse result situations in the play of the Suttle game (Caribbean Stud® poker). One of those significant situations is where the player has a high quality hand, makes the Play wager in expectation of winning multiples on the Play wager, and then wins only on the Ante because the Dealer has a weak (non-qualifying) hand, even though the Player's hand far exceeds the rank of the weak Dealer hand. This has been noted by Applicant in the specification as a significant adverse situation in the play of the Suttle game of Caribbean Stud® poker.

The present method offers an optional wager (a Play wager against a payable requiring a Dealer to have a relatively low ranking hand) that can allow the player to win, even when the Dealer would have folded in normal play of the Dealer's cards, according to the Rules of Suttle, which require at least an A-K or higher to qualify.

IT IS ABSOLUTELY CLEAR THAT THE STEP OF HAVING ANY WAGER THAT INCLUDES A PAYOUT SPECIFICALLY AND ONLY WHEN THE DEALER FAILS TO MEET A MINIMUM HAND RANK (e.g., a predetermined hand rank or less, as recited in the claims) IS NOVEL AND UNOBVIOUS. That recited step is completely absent from the teachings of Boylan and/or Suttle. It provides a different expectation and result from the play of the actual games of Boylan and/or Suttle.

The rejection and the Examiner's comments arguing in support of the rejection are clearly in error. It should be noted that Applicant's are so comfortable and certain of the patentability of their originally claimed subject matter over the rejection of record that no amendments have been filed during the prosecution to avoid this art.

It is further to be noted that even though the rejection asserts that Boylan teaches every limitation of claim 1 except for the following steps, that fundamental assessment of

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Boylan in the rejection is in error. The rejection says Boylan is absent in the claims on Appeal only with respect to:

(g) providing an extra award to players who have placed the optional wager:

(i) when the player's best five-card poker hand equals or exceeds a predetermined rank and

(ii) when a best five-card hand for the dealer is equal to or less than a predetermined rank.

It is then asserted in the rejection that Suttle teaches a method of playing poker (although not Pai Gow poker) which provides an additional award to players who have placed the optional wager (e.g., placing bet after an "ante") when that player's best five-card poker hand equals or exceeds a predetermined minimum rank (Col. 2, lines 32-35; and Col. 4, lines 22-52) and when a best five-card poker hand for the dealer is equal to or less than a predetermined rank (e.g., when the dealer's hand is less than Ace-King; Col. 2, lines 32-35; and Col. 4, lines 2-12).

It is asserted to be obvious to provide the poker rule of Suttle to Boylan's Pai Gow poker game to provide more winning chances.

Applicant traverses this rejection at least for the reasons that:

- a. Suttle does not teach the limitations for which it is cited; and
- b. Even if Suttle taught the limitations for which it is cited, the limitations of Suttle could not be merely added to the play of the Boylan game.

It is first to be noted that, after conclusion of the underlying Pai Gow poker game, Boylan actually plays three separate games based on the side bet. There is also a requirement of a greater than minimum side bet, as recited in Boylan as:

Game 1 - arranging, by the dealer for each player, of a best poker hand consisting of any selected five of the seven cards dealt to each player and formerly comprising the two-card hand and the five-card hand; determining, by the dealer, whether the best poker hand of each player has a poker rank equal to or better than a first predetermined poker rank but less than a second predetermined poker rank; paying off of the bonus bet by that player if that player has a best poker hand ranked equal to or better than the first predetermined poker rank but less than the second predetermined poker rank;

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Game 2 - determining, by the dealer, whether the best poker hand of each player has a poker rank better than or equal to the second predetermined poker rank; playing of an auxiliary game of chance by each player having a best poker hand better than or equal to the second predetermined poker rank to determine whether each player is a winner or loser of the auxiliary game; **paying off of the bonus bet to each player having a best poker hand ranked better than or equal to the second predetermined poker rank at a first payoff where the player is a loser in the auxiliary game** and at a second payoff higher than the first payoff where the player is a winner of the auxiliary game; and

Game 3 - determining whether each player has made an bonus bet of a predetermined minimum which thus qualifies as an envy bet; and **paying off of any envy bet** by each player if any other player has a best poker hand equal to or better than a third predetermined poker rank.

Game 1 is a limited range bonus bet, with an unusual cap on the amount paid off because of the exclusion of highest ranked hands. This game may be included within a step of the claims on Appeal, but the totality of the claim is still not taught by Boylan in view of Suttle and the claims on Appeal are therefore novel and unobvious over this combination.

Game 2 is a limited bad beat event, paid off only when the player loses the auxiliary game, which might even be an event totally outside the play of the Pai Gow card game (e.g., rolling three dice). This game is not specifically included in the game play claimed by Applicant (although allowed under the claim language of "comprising"). However, this game play method is not equivalent to or within the scope of the last step of Applicant's method of:

- g. providing an additional award to players who have placed the optional wager i) when that player's best five-card poker hand equals or exceeds a predetermined rank and ii) **when a best five-card hand for the dealer is equal to or less than a predetermined rank.**

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Additionally, this **highlighted** step (which was specifically recognized as absent from the teachings of Boylan by the Patent and Trademark Office) is not taught by Suttle.

Game 3 is an envy bet wherein if **another player** has a third predetermined high ranked hand, players making a higher than minimum bonus wager win Game 3. This game is within the scope of individual steps in claims of Applicant, noting specifically claim 6, but the totality of the claim is still not taught by Boylan in view of Suttle and the claims on Appeal are therefore novel and unobvious over this combination.

The step recited in Claim 1:

- g. providing an additional award to players who have placed the optional wager i) when that player's best five-card poker hand equals or exceeds a predetermined rank and ii) when a best five-card hand for the dealer is equal to or less than a predetermined rank.

and the interdependent steps of claim 12:

- f. paying players who have both placed the additional wager and provided hands of at least the predetermined rank according to the pay table and rules of the separate poker-type game played with best five-card hands of the players; and
- g. if a best 5-Card hand for the dealer from the dealer's Pai Gow cards is equal to or less than a predetermined rank, increasing the amount of payment to players from f).

are not taught by Suttle. As these steps, admitted to be absent from Boylan, are not taught by Suttle, and as the very nature of those steps is fundamentally different from either the underlying game of Boylan or the underlying game of Suttle, there is no basis for asserting obviousness of these steps and play that are recited in the claims and not specifically shown in the references.

It is easiest to review the limitation of claim 12 first to appreciate the differences in these unique steps. Claim 12, step f), basically requires paying players for Game 1 of

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Boylan. However, this step is substantively modified by step g) in a way not appreciated by the rejection and NOT INCLUDED within the teachings of either of the two cited references. Step g) states that even if the player wins in step f) (and in fact the player has to win in step f) by having the predetermined high ranked hand), the player can win MORE than he ordinarily would have if the dealer's best 5-card poker hand equals or is LESS THAN a predetermined rank. That is, the player is paid MORE when the dealer has a lower range of 5-card poker ranks (e.g., a Pai Gow rank in the 5-Card hand). This is substantively different than the play events in either Boylan or Suttle. As that limitation is not taught, suggested or implied by any reference in the rejection of record, Claims 1 and 12 MUST be novel and unobvious over the combination of references.

It is first noted that the PTO admits the failure of Boylan to teach that step. However, the steps taught by Suttle will be compared with the steps of the present claims to show the substantive difference between those additional steps of Applicants and the teachings of Suttle in the following Table.

CLAIM 12 OF APPLICANT	SUTTLE PROCESS	COMMENTS
b. Players placing an optional wager on a separate poker-type game that uses best five-card hands from player cards;	Suttle has a mandatory Play wager (after viewing cards) for the player to remain in the game. There is an optional Progressive jackpot wager on a 5-card poker game.	Both games allow for a side bet, even though the games involved are different.
f. paying players who have both placed the additional wager and provided hands of at least the predetermined rank according to the pay table and rules of the separate poker-type game played with best five-card hands of the players; and	Suttle pays players for predetermined ranks of hands according to a pay table used with the optional side bet.	
g. if a best 5-Card hand for the dealer from the dealer's Pai Gow cards is	Suttle pays the player on the side bet, irrespective of the rank of the dealer's	Suttle pays the player on the play wager ONLY if the dealer's hand has a

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equal to or less than a predetermined rank, increasing the amount of payment to players from f).	hand. Suttle pays the player on the Ante, irrespective of the rank of the dealer's hand.	minimum rank or HIGHER. Effectively the dealer "folds" with a low hand.
--	---	--

The impact of the recited rules in claim 12 is that, even where a player has a winning hand in the 5-card poker auxiliary game, the required award resulting from the optional **SIDE BET** is **INCREASED** when the dealer has a particularly low ranked hand.

Boylan teaches that the player must lose the auxiliary game to be able to win Game 2. That is directly opposite in concept to what is recited in steps f) and g) of Claim 12. In steps f) and g), the player must win step f) to win step g).

Suttle teaches that a win on a mandatory wager (the Play wager, which must be placed by the player if that player wants to remain in the game) occurs only when the dealer hand is **at least a minimum rank (or higher) AND the player beats the actual hand of the dealer**. The effect of a lower than the minimum rank on the dealer's hand is to eliminate or lower one potential award to the player, while the present step g) of claim 12 enables players to **INCREASE AN EXISTING WIN** without further risk when the dealer has a low hand. Again, the effect of a low hand in Suttle is reduced payment to a player and the effect of the same occurrence of a low hand in Claim 12 of Applicant is an increased win. The rules of Suttle and Claim 12 of Applicant tend to be directly opposite in play and impact. **It is impossible for a step of Suttle that is opposite to the step recited in this claim on Appeal can be the basis for an assertion of obviousness.**

Additionally, the rank of the qualifying dealer's hand in Suttle has no impact on the side bet wager. The rank of the dealer's hand does have a positive impact on potential winnings for a player in Claim 12 of Applicant's game.

The rejection attempts to assert the effect of combining the mandatory PLAY wager of Suttle with the effect of the side bet wager of Claim 12 of Applicant, and this attempt is erroneous and confuses the issues rather than establishing obviousness. The PLAY wager of Suttle is not an optional side bet. It is a mandatory wager to stay in the game against the dealer hand. If a player does not make that PLAY wager, the Ante wager is forfeited. That is not a side bet wager, but is a PLAY wager or "base game"

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wager, similar to a CALL bet in standard poker. The player must call the dealer or the player's hand is folded.

The PLAY wager of Suttle is further distinguished from the language of Claim 12 that requires "**optional wager on a separate poker-type game** that uses best five-card hands from player cards." The PLAY wager is on the same game as the Ante wager, a game against the dealer hand and not a separate poker-type game.

It is absolutely clear that the more the game play steps of Suttle are compared to the limitations f) and g) of Claim 12, the greater the difference between the steps, and the greater the difficulty (if not impossibility) in asserting obviousness of Claim 12 with respect to Boylan in view of Suttle. The rejection of claims 12-20 has been strongly shown to be in error.

Claim 1 is also non-obvious in view of the combination of Boylan in view of Suttle, for many of the same reasons. Although Claim 1 allows for the **side bet** to be mandatory or optional (while it was only optional in Claim 12), the substance of step g) of Claim 1 is substantially similar to the recitation of both steps f) and g) in Claim 12. Note that the language:

- g. **providing an additional award** to players who have placed the optional wager i) when that player's best five-card poker hand equals or exceeds a predetermined rank and ii) **when a best five-card hand for the dealer is equal to or less than a predetermined rank.**

This step requires **BOTH** the player to win an additional award in a predetermined rank side bet event (step f) in Claim 12) **AND** then for the dealer to have a low ranked hand to provide the player with **an additional award**.

Claims 1-11 are therefore clearly patentable for all the reasons presented above with respect to steps f) and g) (excluding at least the purely optional nature of the side bet).

If the Patent and Trademark Office mistakenly wishes to repeat this fatally defective rejection, explanations of at least the following issues are respectfully requested to be clarified:

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-
- a) No reference shows increasing an existing award when a dealer's hand has a low rank (a predetermined rank or **lower**).
 - b) No reference shows an increased award on a side bet when the dealer's hand has a low rank (a predetermined rank or **lower**).

The rejection of claims 1-20 is clearly in error and no amendment to the claims was necessary in providing arguments over the rejections.

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CONCLUSION

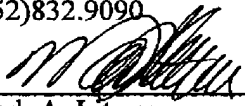
All rejections of record have been shown in detail to be in error. The rejection should be reversed and all claims should be indicated as allowable.

Applicants believe the claims are in condition for allowance and request reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,
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Date 6 FEBRUARY 2009

By 
Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile transmission or deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22314-1450 6 February 2009.

Mark A. Litman
Name


Signature

BRIEF ON APPEAL

Serial Number: 10/770,613

Filing Date: February 2, 2004

Title: SPECIAL MULTIPLIER BONUS IN PAI GOW POKER VARIANT

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CLAIMS APPENDIX

1. (ON APPEAL) A method of playing a Pai Gow poker wagering card game comprising:
 - a. Players wagering on a Pai Gow game;
 - b. Players placing either an optional or mandatory wager against a pay table on a separate poker-type game that uses a best five-card hand from each player's hand;
 - c. dealing seven-card hands from a set of cards to multiple player positions and one dealer position;
 - d. resolving the game of Pai Gow poker;
 - e. forming best five-card poker hands for at least each player having placed the wager against the pay table;
 - f. resolving wagers with players who have placed the optional wager when that player's best five-card poker hand equals or exceeds a predetermined rank; and
 - g. providing an additional award to players who have placed the optional wager i) when that player's best five-card poker hand equals or exceeds a predetermined rank and ii) when a best five-card hand for the dealer is equal to or less than a predetermined rank.
2. (ON APPEAL) The method of claim 1 wherein the set of cards comprises a standard fifty-two card deck with at least one joker and there are six player positions to which hands are dealt.
3. (ON APPEAL) The method of claim 2 wherein the set of cards consists of fifty-three cards, a fifty-two card playing card deck and one joker.
4. (ON APPEAL) The method of claim 2 wherein the wager against a pay table does not enter the player into an envy hand wagering event.

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5. (ON APPEAL) The method of claim 1 wherein the wager against a pay table enters the player into an envy hand wager event.
6. (ON APPEAL) The method of claim 1 where a first level of the wager against a pay table enters the player into the wagering event against the pay table and a second and higher level of wager against the pay table enters the player into the wagering event against the pay table and an envy hand poker gaming event.
7. (ON APPEAL) The method of claim 1 wherein the wager against the pay table is optional.
8. (ON APPEAL) The method of claim 5 wherein the wager against the pay table is optional.
9. (ON APPEAL) The method of claim 1 wherein a pay table for the best five-card hand for a player requires a rank of at least three-of-a-kind for payment.
10. (ON APPEAL) The method of claim 1 wherein a pay table for the best 5-Card hand for a player requires a rank of at least a straight for payment.
11. (ON APPEAL) The method of claim 1 where the wager against a pay table enters the player into the wagering event against the pay table and an envy hand poker gaming event.
12. (ON APPEAL) A method of playing a Pai Gow poker wagering card game comprising:
- Players wagering on a Pai Gow game;
 - Players placing an optional wager on a separate poker-type game that uses best five-card hands from player cards;
 - dealing seven-card hands to six player positions and one dealer position;

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- d. resolving the game of Pai Gow poker;
 - e. comparing each best five-card poker hand made from player cards against a pay table for predetermined hand ranks;
 - f. paying players who have both placed the additional wager and provided hands of at least the predetermined rank according to the pay table and rules of the separate poker-type game played with best five-card hands of the players; and
 - g. if a best 5-Card hand for the dealer from the dealer's Pai Gow cards is equal to or less than a predetermined rank, increasing the amount of payment to players from f).
13. (ON APPEAL) The method of claim 12 wherein the set of cards consists of fifty-three cards, a fifty-two card playing card deck and one joker.
14. (ON APPEAL) The method of claim 12 wherein the wager against a pay table does not enter the player into an envy hand wagering event.
15. (ON APPEAL) The method of claim 12 wherein the wager against a pay table enters the player into an envy hand wager event.
16. (ON APPEAL) The method of claim 12 where a first level of the wager against a pay table enters the player into the wagering event against the pay table and a second and higher level of wager enters the player into the wagering event against the pay table and an envy hand gaming event.
17. (ON APPEAL) The method of claim 12 wherein the wager against the pay table is optional.
18. (ON APPEAL) The method of claim 17 wherein the wager against the pay table is optional.

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19. (ON APPEAL) The method of claim 12 wherein a pay table for the best 5-Card hand for a player requires a rank of at least three-of-a-kind for payment.
20. (ON APPEAL) The method of claim 19 wherein a pay table for the best 5-Card hand for a player requires a rank of at least a straight for payment.
21. (ON APPEAL) The method of claim 20 wherein no fee is charged by the dealer for a favorable resolution of the Pai Gow wager when the wager against the pay table is made.
22. (ON APPEAL) The method of claim 12 wherein no fee is charged by the dealer for a favorable resolution of the Pai Gow wager when the wager against the pay table is made and a qualifying wager for an envy hand poker game is made.
23. (ON APPEAL) The method of claim 1, wherein the additional award is a multiple of at least 1X the wager against the pay table.
24. (ON APPEAL) The method of claim 23, wherein the multiple is fixed.
25. (ON APPEAL) The method of claim 23, wherein the multiple is variable, depending upon a composition of the dealer's best five card hand.
26. (ON APPEAL) The method of claim 1, wherein the sym of an award from step f and step g is equal to a multiple of the wager from step b.
27. (ON APPEAL) The method of claim 12, wherein the additional award is a multiple of at least 1X the wager against the pay table.
28. (ON APPEAL) The method of claim 12, wherein the multiple is fixed.

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29. (ON APPEAL) The method of claim 12, wherein the multiple is variable, depending upon a composition of the dealer's best five card hand.

30. (ON APPEAL) The method of claim 12, wherein the sym of an award from step f and step g is equal to a multiple of the wager from step b.

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EVIDENCE APPENDIX

Neither Appellants nor their counsel in this Appeal are aware of any secondary or supplemental evidence submitted during the prosecution of this Application that must be considered by the Board of patent Appeals in this decision.

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RELATED PROCEEDINGS APPENDIX

Neither Appellants nor their counsel on this Appeal are aware of any proceedings before the US Patent and Trademark Office or any US Judicial or Quasi-Judicial authority that relates directly towards any issues in this Appeal.